

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

Diane Turner

Debtor(s)

The Bank of New York Mellon, as Trustee for
Structured Asset Mortgage Investments II Trust
2006-AR3 Mortgage Pass-Through Certificates
Series 2006-AR3

CHAPTER 13

NO. 15-12372 JKF

Respondent

vs.

Diane Turner

Debtor(s)

William Miller

Trustee

11 U.S.C. Section 362

STIPULATION TO RESOLVE DEBTOR'S MOTION FOR SANCTIONS

AND NOW, it is hereby stipulated and agreed by and between the undersigned as follows:

1. On July 22, 2018, Debtor filed a Motion for Sanctions, Compensatory and Punitive Damages, and Award of Attorney Fees, Costs against Nationstar Mortgage (a/k/a Mr. Cooper) as document 181.
2. Nationstar Mortgage a/k/a Mr. Cooper is the servicer for Respondent/Secured Creditor, The Bank of New York Mellon, as Trustee for Structured Asset Mortgage Investments II Trust 2006-AR3 Mortgage Pass-Through Certificates Series 2006-AR3 ("Respondent").
3. The Motion involves the underlying claim 8-1, which was originally filed on September 21, 2015, involving the property located at 236 Gwynedd Avenue, North Wales, PA 19454.
4. The Parties have reviewed the Motion in depth to come to a resolution of this matter.
5. Debtor's Motion is to be resolved per the following terms:
 - a. The Modification dated October 25, 2016 and approved by Court Order dated August 17, 2017 ("the Modification") is a valid modification, and Debtor's loan has been successfully modified under it.
 - b. The seven Notice of Payment Changes filed after October 25, 2016, as listed by filing date below, are hereby stricken:
 - i. April 4, 2017
 - ii. July 3, 2017

- iii. March 8, 2018
- iv. March 8, 2018
- v. April 9, 2018
- vi. May 7, 2018
- vii. June 4, 2018

c. Within thirty (30) days of this Stipulation being signed by the Court, Respondent shall file a new Notice of Payment Change retroactive to the first payment date, December 1, 2016, under the Modification.

d. Within thirty (30) days of this Stipulation being signed by the Court, Respondent shall file an Amended Proof of Claim to recognize and account for the Modification.

e. Within thirty (30) days of this Stipulation being signed by the Court, Respondent shall reimburse Debtor's attorney in the amount of four thousand dollars (\$4,000.00) for attorneys' fees.

f. Entering into this Stipulation shall not constitute any admission of wrongdoing by any party.

g. Debtor's Motion for Sanctions is hereby denied.

9. The parties agree that a facsimile signature shall be considered an original signature.

Date:

9/21/18

By: 
Brian C. Nicholas, Esquire
Attorney for Respondent

Date:

Sept. 18, 2018

By: 
Waverley Madden, Esquire
Attorney for Debtor(s)

Approved by the Court this 26th day of Septmeber, 2018. However, the court retains discretion regarding entry of any further order.


Bankruptcy Judge
Jean K. Fitzsimon